

AMENDED IN ASSEMBLY JANUARY 4, 2010

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 967**

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**Introduced by Assembly Member Ma ~~Members Ma and Lieu~~**

February 26, 2009

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~~An act to add Chapter 2.7 (commencing with Section 5420) to Division 5 of the Public Resources Code, relating to pesticides. An act to amend Section 400 of the Family Code, relating to marriage.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 967, as amended, Ma. ~~Pesticides: safety: playgrounds and dog parks. Marriages.~~

*Existing law provides that a marriage may be solemnized by authorized persons of any religious denomination, by specified legislators, constitutional officers, and California Members of Congress, while those persons are currently holding that office, and by specified justices, judges, and magistrates, both current and retired.*

*This bill would authorize an elected mayor of a city, while that person holds that office, to solemnize a marriage ceremony.*

~~Existing law provides that the purpose of certain statutes relating to pesticides is to provide for the proper, safe, and efficient use of pesticides, protect the environment, assure worker safety, permit control of licensees by the Director of Pesticide Regulation and county commissioners, assure consumers of proper and appropriate labeling, and encourage pest management systems.~~

~~This bill would establish the Healthy Parks Act of 2009. The bill would prohibit the use on a playground or dog park of certain pesticides.~~

~~The bill would require the owner or operator of a playground or dog park to maintain records of all pesticide use at the playground or dog park for a period of 4 years and to make the records available to the public upon request. The bill would require the owner or operator of a playground and dog park to post warning signs in an area of pesticide application at least 24 hours prior to application and to maintain the posting until 72 hours after the application.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 400 of the Family Code is amended to*  
2     *read:*  
3     400. Marriage may be solemnized by any of the following who  
4     is of the age of 18 years or older:  
5     (a) A priest, minister, rabbi, or authorized person of any religious  
6     denomination.  
7     (b) A judge or retired judge, commissioner of civil marriages  
8     or retired commissioner of civil marriages, commissioner or retired  
9     commissioner, or assistant commissioner of a court of record in  
10    this state.  
11    (c) A judge or magistrate who has resigned from office.  
12    (d) Any of the following judges or magistrates of the United  
13    States:  
14    (1) A justice or retired justice of the United States Supreme  
15    Court.  
16    (2) A judge or retired judge of a court of appeals, a district court,  
17    or a court created by an act of Congress the judges of which are  
18    entitled to hold office during good behavior.  
19    (3) A judge or retired judge of a bankruptcy court or a tax court.  
20    (4) A United States magistrate or retired magistrate.  
21    (e) A legislator or constitutional officer of this state or a Member  
22    of Congress who represents a district within this state, while that  
23    person holds office.  
24    (f) *A mayor of a city elected in accordance with Article 3*  
25    *(commencing with Section 34900) of Chapter 4 of Part 1 of*  
26    *Division 2 of Title 4 of the Government Code, while that person*  
27    *holds office.*

1     SECTION 1. Chapter 2.7 (commencing with Section 5420) is  
2     added to Division 5 of the Public Resources Code, to read:

3  
4             CHAPTER 2.7. HEALTHY PARKS ACT OF 2009  
5

6     5420. This chapter shall be known, and may be cited, as the  
7     Healthy Parks Act of 2009.

8     5420.2. For the purposes of this chapter, the following terms  
9     shall have the following meanings:

10    (a) "Antimicrobial" means those pesticides defined by the  
11    Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.  
12    136(mm)).

13    (b) "Crack and crevice treatment" means the application of  
14    small quantities of a pesticide, consistent with the labeling  
15    instructions, in a building into openings such as those commonly  
16    found at expansion joints, between levels of construction, and  
17    between equipment and floors.

18    (c) "Emergency condition" means any circumstance in which  
19    the owner or operator of a playground or a dog park deems that  
20    the immediate use of a pesticide is necessary to protect the health  
21    and safety of persons using the playground or dog park.

22    (d) "Pesticide" means the same as that set forth in Section 12753  
23    of the Food and Agriculture Code.

24    5420.5. (a) It is the policy of the state that effective least toxic  
25    pest management practices should be the preferred method of  
26    managing pests at playgrounds and dog parks and that the state,  
27    in order to reduce the public's exposure to toxic pesticides, shall  
28    take the necessary steps, pursuant to Article 17 (commencing with  
29    Section 13180) of Chapter 2 of Division 7 of the Food and  
30    Agricultural Code, to facilitate the adoption of effective least toxic  
31    pest management practices at playgrounds and dog parks. It is the  
32    intent of the Legislature to encourage appropriate training to be  
33    provided to playground and dog park personnel involved in the  
34    application of a pesticide at a playground or a dog park.

35    (b) (1) An owner or operator of a playground or dog park, or  
36    the owner's or operator's agent, who personally applies any  
37    pesticides on any area in the playground or dog park, or any area  
38    specified in paragraph (2) shall provide notice to the person using  
39    the playground or dog park as described in paragraph (3) at least

1 120 hours before the application, unless an emergency condition,  
2 as defined in Section 5420.2, exists.

3 ~~(2) This subdivision also applies when an owner or operator,~~  
4 ~~or his or her agent, intends to personally apply pesticides on any~~  
5 ~~area within 10 feet of the perimeter of a playground or dog park.~~

6 ~~(3) The notice required by paragraph (1) shall include the~~  
7 ~~following:~~

8 ~~(A) The product name.~~

9 ~~(B) The manufacturer's name.~~

10 ~~(C) The active ingredients of each pesticide.~~

11 ~~(D) The United States Environmental Protection Agency's~~  
12 ~~product registration number.~~

13 ~~(E) The intended date of application.~~

14 ~~(F) The areas of application.~~

15 ~~(G) The reason for application.~~

16 ~~(4) If the playground or dog park ceases to operate on the~~  
17 ~~property, this act shall no longer apply to the property.~~

18 ~~5421. (a) (1) The use of a pesticide on a playground or dog~~  
19 ~~park is prohibited if that pesticide is granted a conditional~~  
20 ~~registration, an interim registration, or an experimental use permit~~  
21 ~~by the Department of Pesticide Regulation, or if the pesticide is~~  
22 ~~subject to an experimental registration issued by the United States~~  
23 ~~Environmental Protection Agency, and either of the following is~~  
24 ~~applicable:~~

25 ~~(A) The pesticide contains a new active ingredient.~~

26 ~~(B) The pesticide is for a new use. This paragraph does not~~  
27 ~~apply to a conditionally registered pesticide that is approved for~~  
28 ~~other uses that has fulfilled all registration requirements that relate~~  
29 ~~to human health, including, but not limited to, the completion of~~  
30 ~~mandatory health effect studies pursuant to the Birth Defect~~  
31 ~~Prevention Act of 1984 (Article 14 (commencing with Section~~  
32 ~~13121) of Chapter 2 of Division 7 of the Food and Agriculture~~  
33 ~~Code). This section does not impose any new labeling~~  
34 ~~requirements.~~

35 ~~(2) The use of a pesticide on a playground or dog park is~~  
36 ~~prohibited if the Department of Pesticide Regulation cancels or~~  
37 ~~suspends registration, or requires phaseout of use, of that pesticide.~~

38 ~~(b) Vendors or manufacturers of pesticides that are prohibited~~  
39 ~~for use on a playground or dog park pursuant to subdivision (a)~~

1 are prohibited from furnishing those pesticides to an owner or  
2 operator of a playground or dog park either by sale or by gift.

3 (e) This section does not apply to public health pesticides or  
4 antimicrobial pesticides registered pursuant to Section 12836 of  
5 the Food and Agricultural Code.

6 5421.5. Sections 5420.5 and 5421 do not apply to a pesticide  
7 product deployed in the form of a self-contained bait or trap, to  
8 gel or paste deployed as a crack and crevice treatment, to any  
9 pesticide exempt from regulation by the United States  
10 Environmental Protection Agency pursuant to the Federal  
11 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et  
12 seq.), or to antimicrobial pesticides, including sanitizers and  
13 disinfectants.

14 5422. An owner or operator of a playground or dog park shall  
15 maintain records of all pesticide use at the playground or dog park  
16 for a period of four years and shall make this information available  
17 to the public, upon request, pursuant to the California Public  
18 Records Act (Chapter 3.5 (commencing with Section 6250) of  
19 Division 7 of Title 1 of the Government Code). A owner or  
20 operator of a playground or dog park may meet the requirements  
21 of this section by retaining a copy of the warning sign posted for  
22 each application required pursuant to Section 5422.5, and recording  
23 on that copy the amount of the pesticide used.

24 5422.5. The owner or operator of a playground or dog park  
25 shall post each area of the playground or dog park where pesticides  
26 will be applied with a warning sign. The warning sign shall  
27 prominently display the term "Warning/Pesticide Treated Area"  
28 and shall include the product name, manufacturer's name, the  
29 United States Environmental Protection Agency's product  
30 registration number, intended date and areas of application, and  
31 reason for the pesticide application. The warning sign shall be  
32 visible to all persons entering the treated area and shall be posted  
33 24 hours prior to the application and remain posted until 72 hours  
34 after the application. In case of a pest control emergency, the  
35 warning sign shall be posted immediately upon application and  
36 shall remain posted until 72 hours after the application.

37 5423. Section 5422.5 does not apply to an agency signatory to  
38 a cooperative agreement with the State Department of Health Care

- 1 ~~Services pursuant to Section 116180 of the Health and Safety~~
- 2 ~~Code.~~

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